

## **REMARKS/ARGUMENTS**

Claims 1-20 were pending.

Claims 1-3, 5-8, 10, 11 and 13-20 have been rejected. Claims 4, 9 and 12 were previously withdrawn. Claim 21 has been newly added.

By this paper, claims 1 and 15 have been amended to require that the top coating is capable of charring. In addition, claims 7 and 21 have also been amended. No new matter has been added by these amendments. See, e.g., ¶¶ [0022] and [0050] of the originally filed application.

### **I. Interview**

An interview was conducted between Applicant's attorney and Examiner Chevalier on November 17, 2008. Applicant's attorney wishes to thank the Examiner for the courtesy of the interview.

Discussed during the interview were the 35 U.S.C. §112 rejections. Applicant's attorney pointed out that the top coat having "the ability to char", i.e. reduced by outgassing of more volatile constituents, is disclosed explicitly at ¶ [0050] and inherently at ¶ [0019] of the published application. The Examiner expressed agreement that the 'ability to char' is not new matter.

### **II. Claim Rejections Under 35 U.S.C. §112**

Claims 1-3, 5-8, 10, 11 and 13-20 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

By this amendment, claims 1 and 15 of the present application require that the coating have the ability to char. As agreed during the interview of November 17, 2008, this characteristic of the coating is disclosed at, e.g., ¶¶ [0019] and [0050] of the application as filed.

Applicants thus respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. §112, first paragraph.

## **II. Conclusion**

In view of the aforementioned remarks and amendments, the Applicants believe that each of the pending claims is in condition for allowance. If, upon receipt and review of this amendment, the Examiner believes that the present application is not in condition for allowance and that changes can be suggested which would place the claims in allowable form, the Examiner is respectfully requested to contact Applicants' undersigned counsel at the number provided below.

Please charge any necessary fees that may be due in connection with this filing, or credit any overpayments, to Deposit Account No. 03-1250, Reference No. FDN-2799, Customer No. 43,309.

Respectfully submitted,

Date: November 17, 2008

/Michael P. Kenney/  
Michael P. Kenney  
Reg. No. 42,718  
Sills Cummis & Gross P.C.  
One Rockefeller Plaza  
New York, New York 10020  
Telephone: 973-500-1578